

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRYAN DINGLE,

Plaintiff,

v.

MAJOR TOMMAGE,

Defendant.

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CIVIL ACTION NO. 23-5178

ORDER

AND NOW, this 16th day of July, 2024, upon consideration of Bryan Dingle's Motion to Proceed *In Forma Pauperis* (ECF No. 5), Prisoner Trust Fund Account Statement (ECF No. 6), and *pro se* Complaint (ECF No. 1), it is hereby **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Bryan Dingle, #QQ-3368, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Smithfield or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Dingle's inmate account; or (b) the average monthly balance in Dingle's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Dingle's inmate trust fund account exceeds \$10.00, the Superintendent or other

appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Dingle's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Smithfield.
4. The Complaint is **DEEMED** filed.
5. Dingle's constitutional claims are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the accompanying memorandum. Dingle's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction, but without leave to amend.
6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.